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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,817	09/05/2003	Clay Essick	E48154.0002.5	9410
26158	7590	03/10/2004	EXAMINER	
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC P.O. BOX 7037 ATLANTA, GA 30357-0037			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 03/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/656,817

Applicant(s)

ESSICK, CLAY

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12302003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: The use of "Figure 4a" (page 7, line 1) is objected to because there is no figure 4a.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mitchell (US 5086543).

Mitchell (figures 1-5) teaches a retainer strap for releasably attaching an article to a base object, the retainer strap comprising: a resilient band 10 having a first connection point 14 made of hook material adapted to engage with loop material 16 at the first end of the band, thereby forming a mounting loop suited for mounting the retainer strap on the base object; a second connector 12 made of hook material adapted to engage with loop material 16 at a second connection point located between the first end and the first connection point, thereby forming an open attachment loop for grasping an article, wherein the second connector 12 can be connected, disconnected, and reconnected for grasping or releasing the article without also disconnecting the mounting loop connection. As to claim 7, the tab 26 comprises less than 20 percent of the length of the strap.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 16-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US 5086543) in view of Hasslinger et al. (US 4088136).

Mitchell (figures 1-5) teaches a retainer strap for releasably attaching an article to a base object, the retainer strap comprising: a resilient band 10 having a first connection point 14 made of hook material adapted to engage with loop material 16 at the first end of the band, thereby forming a mounting loop suited for mounting the retainer strap on the base object; a second connector 12 made of hook material adapted to engage with loop material 16 at a second connection point located between the first end and the first connection point, thereby forming an open attachment loop for grasping an article, wherein the second connector 12 can be connected, disconnected, and reconnected for grasping or releasing the article without also disconnecting the mounting loop connection. The difference is that the connector loops don't substantially cover the face of the band. However, Hasslinger et al. (figures 1, 3) teaches an elastic (col. 7, lines 48-55) retainer strap for releasably attaching an article 30 to a leg wherein the loop material 14 substantially covers the face of the band so as to provide greater adjustability. Applicant is reminded that "[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344

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(CCPA 1968). As it would be beneficial to provide greater adjustability to the retainer strap of Mitchell it would have been obvious to modify the retainer strap of Mitchell so that the loop material substantially covers the face of the strap in view of Hasslinger et al. suggesting such structure so as to provide greater adjustability. As to claims 17 and 18, the use of thermal fusing to secure the hook material to the strap would have been obvious in view of Hasslinger et al. suggesting the use of welding (col. 5, lines 3-5) and flame lamination (col. 5, lines 60-67) to secure the hook material to the strap as being desirable. In regard to claim 19, Hasslinger et al. would suggest the particular choice of length of 24-28 inches in figure 4 since such a length would be consistent with the strap being fastened about the thigh. Further, Mitchell states that the band is sized both for length and width depending upon the application for which it is intended (col. 2, lines 12-15) as do Hasslinger et al. (col. 4, lines 2-12).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US 5086543) in view of Antaki (US 5752633).

Mitchell (figures 1-5) teaches a retainer strap for releasably attaching an article to a base object, the retainer strap comprising: a resilient band 10 having a first connection point 14 made of hook material adapted to engage with loop material 16 at the first end of the band, thereby forming a mounting loop suited for mounting the retainer strap on the base object; a second connector 12 made of hook material adapted to engage with loop material 16 at a second connection point located between the first end and the first connection point, thereby forming an open attachment loop for grasping an article, wherein the second connector 12 can be connected, disconnected, and reconnected for grasping or releasing the article without also disconnecting the mounting loop connection. The difference is that the elastic material is not stated as being

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stretchable by at least 30 percent. However, Antaki (figures 1, 12-14) teaches elastic retainer strap structure that includes hook and loop fasteners wherein the strap has elasticity consistent with being capable of stretching from 14-15 inches long to 22 inches long (col. 3, lines 61-65), thereby permitting snug securement to the base object with enhanced adjustability. As it would be desirable to enhance the snug securement of the retainer strap of Mitchell and improve the adjustability it would have been obvious to modify the retainer strap of Mitchell to be stretchable by at least 30 percent as suggested by Antaki. As to the dimensions in claims 9 and 10, these are suggested by Antaki in the above characterization of length, which covers the range of girth and further the width of 2 inches is also suggested by Antaki as being desirable on retainer straps (col. 3, lines 61-65).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US 5086543) in view of Hasslinger et al. (US 4088136) as applied to claim 16 above, and further in view of Antaki (US 5752633).

Further modification of the retainer strap of Mitchell such that the width of the strap fall in the range from about 0.5 inches to about 2 inches would have been obvious in view of Antaki suggesting retainer strap structure with a width of 2 inches as being desirable on retainer straps (col. 3, lines 61-65).

Claims 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US 5086543) in view of Hasslinger et al. (US 4088136) as applied to claim 16 above, and further in view of Arendt et al. (US 5259657).

Further modification of the generically usable retainer strap of Mitchell such that it is used to secure an object to a sun visor would have been obvious in view of Arendt et al. (figures

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1, 3, 4) in which the elastic straps 47a, 47b have hook and loop material at their ends so as to secure the straps to the sun visor and there is an elastic attachment strap 75 for articles to be held to the visor.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US 5086543) in view of Hasslinger et al. (US 4088136) and Arendt et al. (US 5259657) as applied to claim 11 above, and further in view of Antaki (US 5752633).

Further modification of the retainer strap of Mitchell such that the elastic material of the strap is stretchable by at least 30 percent would have been obvious in view of Antaki (figures 1, 12-14) teaching elastic retainer strap structure that includes hook and loop fasteners wherein the strap has elasticity consistent with being capable of stretching from 14-15 inches long to 22 inches long (col. 3, lines 61-65), thereby permitting snug securement to the base object with enhanced adjustability.

### *Conclusion*


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of McNutt et al. (US 6309004, figure 3 and note the 1.5 inch width straps 4 in col. 2, lines 40-42), Schwemberger (US 4489867, figure 2), Copen (US 3430299, figures 1, 2), Officer (US 6298524, figures 5, 6), Chisolm (US 6199730, figures 3, 4), Stewart (US 5503316, figures 4, 5), Miles (US 6139084, figures 1, 2), JP 2001-277946 (figures 1, 2), and Orr et al. (GB 2253822, figures 1, 5) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James R. Brittain  
Primary Examiner  
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JRB